

Easements

with respect to New Civil Code provisions

Abstract

In this thesis, I concentrate on the institute of easements, which are rights to use the real property of another. I study easements from both the theoretical perspective, with respect to their position in the legal system, legal relations and their corresponding implications and the function they fulfill; and the practical perspective, elaborating on their establishment, changes, termination, recordkeeping and protection of the rights they imply. I consistently strive to map all the legislation related to easements, and present the changes that will affect the legal code of the Czech Republic with regards to the ongoing re-codification of private law. These changes affect the context of current legislation related to easements and its interpretation, consisting mainly of court rulings. In the new Civil Code which will come into force at the start of 2014, as opposed to the current Civil Code, legislation related to easements is approached from a very wide perspective, almost casuistically. However, at the time of this thesis's completion, related regulations necessary for proper application of the new Civil Code have not yet been approved.